

## **The Multiethnic Placement Act of 1994 and Amendment of 1996 (MEPA)**

The Howard Metzenbaum Multiethnic Placement Act of 1994 (MEPA), 42 U.S.C.A.

' 5115a, prohibits denial or delay of placement for foster care or adoption by any agency that receives federal funds because of the child=s or foster/adoptive parent=s race, color or national origin. The law was intended to:

- , Decrease the time children wait to be adopted.
- , Prevent discrimination in the placement of children on the basis of race, color or national origin.
- , Prevent discrimination on the basis of race, color or national origin when selecting foster and adoptive placements.
- , Facilitate the development of a diverse pool of foster and adoptive families.

In August of 1996 Congress amended MEPA in order to strengthen its nondiscriminatory provisions and to provide stiff penalties for violation of the act. The antidiscrimination provisions of MEPA now state that any public or private agency or entity that receives federal assistance cannot:

- , *Deny to any person the opportunity to become an adoptive or foster parent* on the basis of the race, color or national origin of the adoptive or foster parent or the race, color or national origin of the child involved in the foster or adoptive placement; and
- , *Delay or deny the placement of a child for adoption or into foster care* on the basis of the race, color or national origin of the adoptive or foster parent or the race, color, or national origin of the child involved in the foster care or adoptive placement.

MEPA was enacted to encourage transracial placements of children when appropriate same-race placements are not available. The act specifically permits the consideration of a child=s cultural, ethnic or racial background and the ability of a potential foster parent to meet the child=s related needs as one of many factors to consider in determining the best interests of a child. The Department of Health and Human Services published a Policy Guidance in the Federal Register on April 25, 1995, to be used as guidelines for compliance by agencies. An updated Policy Guidance related to the amendment was made available in June 1997.

Non-compliance with this act is a violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C.A. ' 2000d *et seq.* Any person who believes that she or he has been a victim of a violation of the act has a right to bring an action for relief in the appropriate U.S. District Court. Any entity found in violation of the law will lose considerable federal matching funds.

MEPA does not affect the Indian Child Welfare Act of 1978, 25 U.S.C. 1901 *et seq.* (42 U.S.C.A. ' 5115a(f))